

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVIOUS MARQUES BOYD,

Plaintiff,

v.

**RIVERBEND REHABILITATION
FACILITY,**

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

Case No. 5:23-cv-00207-MTT-CHW

ORDER

Pro se Plaintiff Davious Boyd, a prisoner at Ware State Prison in Waycross, Georgia, filed a document that was docketed as a 42 U.S.C. § 1983 complaint. ECF No. 1. Plaintiff did not pay the \$402.00 filing fee nor did he request leave to proceed without prepayment of the filing fee.

On July 10, 2023, Plaintiff was ordered to recast his complaint and provided instructions on how to do so. ECF No. 3. Plaintiff was further ordered to either pay the full filing fee or submit a motion to proceed *in forma pauperis* along with a certified account statement. *Id.* Plaintiff was given fourteen (14) days to comply with the Court's order and was informed that failure to comply would result in dismissal of this action. *Id.* Plaintiff failed to respond.

Therefore, on August 16, 2023, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 4. Plaintiff was ordered to show cause why this action should not be dismissed for failure to comply with a court order. *Id.* The Court

unambiguously informed Plaintiff that this action would be dismissed if he failed to respond. *Id.* Plaintiff was given fourteen (14) days to respond and he has failed to do so.

Due to Plaintiff's failure to follow the Court's orders and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 8th day of September, 2023.

S/ Marc T. Treadwell

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT